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Ad Hoc Alliance for Public Access to 911

Alliance for Technology Access•Arizona Consumers League•National Consumers League•World Institute on Disability•National Emergency Number Association-California Chapter•Crime Victims United•Justice for Murder Victims•California Cellular Phone Owners Association•Florida Consumer Fraud Watch•Center for Public Interest Law•Consumer Action•Consumer Coalition of California•Consumers First•California Alliance for Consumer Protection•Californians Against Regulatory Excess•The Office of Communication of the United Church of Christ•Utility Consumer Action Network•Children's Advocacy Institute

April 8, 1996

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Re: FCC Docket No. 94-102
Ex-Parte Comments

Dear Chairman Hundt:

Thank you for the opportunity for members of our Alliance to meet with you and members of your staff to discuss the concerns of the Ad Hoc Alliance for Public Access to 911 ("Alliance") about the "Consensus Agreement" submitted for Commission consideration on Docket 94-102. We have reflected upon the concerns you expressed to us and suggest herein compromise language which we trust that you and the Commission will find an acceptable alternative to prior suggestions made by the Alliance.

It is obvious that you and your staff have spent a great deal of time and effort regarding the 911 situation. You are no doubt familiar with the fact that cellular systems are designed to serve mobile telephone users -- not the much lower powered portable cell phones that have been heavily promoted by cell carriers for use in emergency situations. As you know, portable units constitute more than 70% of the cell phones presently in service and that number is rapidly growing. As the study we left with you clearly shows, the true service area for portable cell phone users is somewhat like a piece of Swiss cheese. The holes, or gaps in coverage, perhaps are no more than an annoyance or inconvenience when the cell phone is used to place or receive an ordinary call. The same is not true when an emergency call is attempted.

The actual coverage areas of the two cellular systems in a city are different because they do not use the same tower locations. As our study demonstrated, access to the two competing cell services in a city results in filling the "holes" in each other's coverage. The Alliance proposal in Docket 94-102 would have the effect of overlaying these two slices of "Swiss cheese" when a 911

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emergency call is placed. You met with a victim who was shot in the face while attempting to contact 911 over her portable cell phone. Had the Alliance's proposed rule change then been in effect, the victim's call would have been completed and perhaps the awful consequences to her would have been avoided.

The focus of the Alliance has been, and is, on the 35 million cell phone users who cannot consistently reach 911 because their call is blocked or they are denied access to the best channel available. We think that this is a deplorable situation. I am certain you have reached the same conclusion.

You observed that there is a need for the Commission to address all of the 911 issues created by the different wireless systems and technologies now being deployed. You recognize, of course, that a study of these new systems and their technologies will take many years. We believe that it would be a mistake for the Commission to become bogged down with questions of technical interface issues between different and incompatible technologies. We take your point however, that the Commission should address the 911 issue now with respect to PCS and other developing wireless technologies. Therefore, we suggest that the proposed language set forth under the heading "9-1-1 availability" on page 5 of the "Consensus Agreement" be rejected and that the Commission adopt the following language in its stead:

Wireline carriers shall provide prompt, unrestricted, universal access to 911 from any wireless telephone equipped with a unique MIN over the best available compatible channel."

We believe that this language addresses your concern and provides a solution for the immediate and urgent problem of 911 access by 35 million cell phone users without preempting an effort to solve technical interface issues which might at some future point in time allow any wireless phone user to contact 911 over any other wireless system.

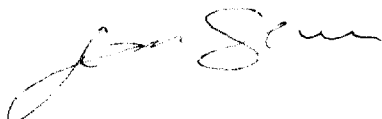
We think that it is evident that the public has been misled by the cell phone industry into purchasing portable cell phones for safety and security reasons in reliance upon the "coverage maps" which are advertised and provided by cell carriers. These maps are based on coverage using the much more powerful mobile cell phones. Despite any disclaimers in the service contracts to the contrary, the public reasonably expects to be able to place a call in an emergency situation anywhere within a "coverage area". As you know, and our study graphically shows, this is not the situation, especially with portable cell phones. We submit that the adoption of the compromise language proposed above goes a long way towards curing this situation with respect to 911 emergency calls. As a result, the kinds of tragedy which befell the victim we identified can and will be avoided or mitigated.

We respectfully suggest that the Commission's adoption of this compromise language is in the best interests of the public and the cell carriers. It will help to obviate the potential for litigation from future crime and accident victims and/or a class action suit. The public at large will be substantially benefited by the reduced consequences of injury and illness which might otherwise

result in increased medical expenses and loss of productivity. Perhaps most important, simple humanity cries out for the Commission's adoption of the compromise language suggested above.

We want to thank you, the other Commissioners and the Commission staff for allowing us to present our position in this matter. We are the only party before the Commission in this proceeding who represents the consumer. Our agenda is the public interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Samuel Simon".

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CC: Commissioner Andrew Barrett
Commissioner Rachelle Chong
Commissioner Susan Ness
Commissioner James Quello
Congresswoman Anna Eshoo
William Caton, Secretary